

**United States Bankruptcy Court
Eastern District of Pennsylvania**

**In Re: Roman Zilberman
Liliya Zilberman**

Debtors

**15-19003SR
Chapter 13**

MOTION TO AMEND CHAPTER 13 PLAN POST-CONFIRMATION

Debtors, Roman Zilberman and Liliya Zilberman, do hereby file this Motion to Amend their Chapter 13 Plan Post-Confirmation and in support thereof state as follows:

1. On January 5, 2015 Debtors filed this Chapter 13 Bankruptcy as they were in arrears on the mortgage of their primary residence.
2. Debtors were paying her Chapter 13 plan payments to the Trustee.
3. On or about December 5, 2015 Debtor Liliya Zilberman executed a Loan Modification Agreement and on or about February 19, 2016 said Loan Modification was signed by a Terri Eichler of Seturus, Inc.
4. On December 21, 2017, this Honorable Court signed the Order Confirming this case and the Chapter 13 Plan, said Order was docketed on December 22, 2017.
5. Counsel for debtors, Tova Weiss, was not provided an executed copy of said Loan Modification Agreement, nor did Seterus bank file a Motion for Approval of the Loan Modification and therefore Attorney Weiss did not think that there was a Loan Modification in place. It is routine procedure for the mortgage bank to either mail or email a copy of the fully executed Loan Modification Agreement to a debtor's counsel and then either the mortgage bank or debtor's counsel would file for Approval of a Loan Modification being offered to debtor(s).
6. On or about March 9, 2016 Seterus Bank filed a Notice of Mortgage Payment Change and on February 16, 2017 Seterus Bank filed a Notice of Mortgage Payment Change. This is a common document as there are many reasons why mortgage payments change and/or have variations in interest per the mortgage loan contract. Again, counsel Tova Weiss, did not have an executed copy of a Loan Modification Agreement and therefore did not think this loan was being modified.
7. On or about February 2017, debtor(s) contacted their attorney, Tova Weiss, with concerns that they were overpaying for their residence and that the bank should lower the amount of arrears in the Proof of Claim of \$26,270.25.
8. Counsel, Tova Weiss, contacted Attorney Jeniece D. Davis, the mortgage bank (Seterus's) counsel, who worked for the Law Firm of Martha E Von Rosensteel, P.C. and explained her debtors' concerns with the arrearage stated in the Proof of Claim.

9. On or about March 8, 2017 Attorney Davis emailed a copy of the fully executed Loan Modification Agreement to debtors' counsel, Tova Weiss. Attorney was was confused and not clear if the Loan Modification was in force and whether there were still arrears owed to Seterus Bank, as a Motion for Approval of the Loan Modification was never filed.

10. Attorney Jeniece was to get back to Attorney Weiss, however she did not. On May 9, 2017 Attorney Weiss emailed Ms. Jeniece that a response was required, at which time Ms. Weiss was emailed by several other attorneys that Ms. Jeniece no longer works for Martha E. Von Rosenstein.

11. On May 12, 2017 Diane Benner of the Law Firm of Martha E. Von Rosenstein emailed Attorney Weiss the Payout Ledger of Trustee Reigle, which shows an overpayment of \$9,296.11 by debtors. (See attached Ledger exhibit "A") and on May 30, 2017 a Motion for Approval of the Loan Modification was filed by the Law Firm of Martha E. Von Rosenstein.

12. There is a remaining \$3,230.69 balance owed to Citimortgage (this was a settled matter of \$5,000.00 regarding an Adersary proceeding of stripping a second mortgage).

13. Debtors respectfully request that the overpayment be refunded to them, they had additional personal expenses in the past two months as construction repairs were done to their Green Street property and that they be allowed to complete the remaining balance of \$3,230.60 over the next eight (8) months, for a monthly payment of \$444.25, for a total Chapter 13 plan of thirty six (36) months.

Debtor respectfully requests that this Honorable Court grant this Motion to Amend their Chapter 13 Plan post-confirmation.

WHEREFORE, Debtors, Roman Zilberman and Liliya Zilberman, respectfully request that this Honorable Court Grant this Motion to Amend the Chapter 13 Plan Post Confirmation.

Respectfully submitted,

/s/Tova Weiss
Tova Weiss
648 2nd Street Pike
Southampton, PA 18966
215-364-4900

Date: June 2, 2017